

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**BRIAN COFER,**

**Plaintiff,**

**v.**

**GARY M. LANIGAN, et al,**

**Defendants.**

**Civil Action No. 18-9590 (RBK) (KMW)**

**MEMORANDUM AND ORDER**

Plaintiff Brian Cofer, an inmate currently confined at New Jersey State Prison in Trenton, New Jersey, seeks to bring this civil action asserting claims pursuant to 42 U.S.C. § 1983. On June 8, 2018, the Court denied Plaintiff's application to proceed *in forma pauperis* and administratively terminated the matter. (ECF Nos. 3 & 4).

The Court received multiple letters from Plaintiff responding to the Court's denial of his application to proceed *in forma pauperis*, which the Court will construe as a Motion for Reconsideration. (ECF Nos. 5, 6, & 7). The Court will grant Plaintiff's Motion for Reconsideration, in that the Court will allow Plaintiff to file a new application to proceed *in forma pauperis* that reflects his current financial situation.

IT IS this 19th day of **July, 2018**, hereby

ORDERED that the Clerk of the Court shall **designate** Docket Entry No. 5 as a Motion for Reconsideration; and it is further

ORDERED that the Clerk of the Court shall **reopen** this matter for the purposes of considering Plaintiff's Motion for Reconsideration (ECF No. 5); and it is further

ORDERED that the Motion for Reconsideration (ECF No. 5) is **GRANTED** to the extent that Plaintiff may submit a new *in forma pauperis* application; and it is further



ORDERED that the Clerk of the Court shall **administratively terminate** this case, without filing the complaint or assessing a filing fee; Plaintiff is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dep't.*, 413 F. App'x 498, 502 (3d Cir. 2011) (“[The] statute of limitations is met when a complaint is submitted to the clerk before the statute runs ....”); and it is further

ORDERED that the Clerk of the Court shall send a blank *in forma pauperis* application to Plaintiff, DNJ-Pro Se-007-A-(Rev.05/2013); and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101 within 30 days of the date of entry of this Order; Plaintiff's writing shall include either (1) a complete, signed *in forma pauperis* application, including a certified six-month prison account statement, or (2) the \$400 fee including the \$350 filing fee plus the \$50 administrative fee; and it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or payment of the filing and administrative fees within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally



ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge